

DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

NOTICE IS HEREBY GIVEN that pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations, the Department of Food and Agriculture (Department), Milk and Dairy Food Safety Branch, is providing notice of changes made to the proposed regulation text for section 430 (Reconstitution of Mix to Manufacture Frozen Dairy Products), and section 441 (Frozen Yogurt Mix-Fruits or Flavorings) of Article 5, Chapter 1, Division 2, of Title 3 of the California Code of Regulations.

The changes are in response to comments received regarding the proposed regulation. The changes being made are:

- Section 430 is reorganized for clarity purposes. The originally proposed text has been deleted as shown in strikeout and double underline and replaced with modified text as shown in double underline.
- Section 441 contains editorial modifications for clarity purposes. Additionally, text that was deleted during the 45-day public comment period relating to the adulteration of frozen yogurt mix is added back into this section. The modified text is shown in double underline and strikeout for deleted text, and doubled underline for added text.

A copy of the modified text is enclosed and may be found on the Department's website at the following link: www.cdffa.ca.gov/ahfss/regulations.html

Any person who wishes to comment on the proposed modifications may do so by submitting written comments via the U.S. Postal Service. The Department will accept written comments between February 8, 2010 and February 23, 2010. All written comments must be submitted to the Department no later than 5:00 p.m. on February 23, 2010 and addressed to:

**Kristen Dahl, Assistant Branch Chief
Department of Food and Agriculture
Milk and Dairy Food Safety Branch
1220 "N" Street, Room A-170
Sacramento, CA 95814**

Please note: Any comments are to be restricted to the recent modifications as shown in the modified text. The Department is not required to respond to comments received in response to this notice on other aspects of the proposed regulation. Any written comments previously submitted during the 45-day notice period remain in the rulemaking file.

January 25, 2010

Nancy Grillo
Regulation Coordinator
Animal Health and Food Safety Services